

Oneida Nation

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Oneida, WI 54155

BC Resolution # 04-08-20-I Amendments to the Indian Preference in Contracting Law

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Indian Preference in Contracting law (“the Law”) was adopted by the Oneida Business Committee through resolution BC-03-27-13-B; and
- WHEREAS,** the purpose of the Law is to establish an Indian Preference Office and increase economic benefits for the Nation and members of the Nation by providing for the maximum utilization of Indian workers and businesses on projects of the Nation which occur on or near the Reservation; and
- WHEREAS,** the Legislative Operating Committee worked collaboratively with representatives from the Nation’s Indian Preference Office, Purchasing Department, Oneida Law Office, Community and Economic Development Division, and the Oneida ESC Group to develop the amendments to this Law; and
- WHEREAS,** the amendments to the Law update the definition of tribal corporation to now include any corporation wholly owned by the Nation in addition to those corporations chartered by the Nation; and
- WHEREAS,** the amendments to the Law provide tribal corporations an exemption from the requirement to submit a certification renewal application on an annual basis; and
- WHEREAS,** the amendments to the Law now permit joint ventures to qualify for Indian Preference on a project-specific basis; and
- WHEREAS,** the amendments to the Law raise the contract threshold for when Indian Preference is applied from one thousand five hundred dollars (\$1,500) to three thousand dollars (\$3,000); and
- WHEREAS,** the amendments to the Law set a new timeframe for the Indian Preference Office’s review of contracts prior the posting or announcement of a contract; and
- WHEREAS,** the amendments to the Law clarify the Indian Preference Office’s authority to develop a fine and penalty schedule for violations of this law, to be approved by the Oneida Business Committee by resolution; and

- WHEREAS,** the amendments to the Law make other minor drafting revisions; and
- WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact statement were completed for the amendments to the Law; and
- WHEREAS,** a public meeting on the proposed amendments to this Law was held on December 19, 2019, in accordance with the Legislative Procedures Act, and the public comment period was held open until December 30, 2019; and
- WHEREAS,** the Legislative Operating Committee accepted, reviewed, and considered the public comments received on February 5, 2020; and

NOW THEREFORE BE IT RESOLVED, that the amendments to the Indian Preference law are hereby adopted and shall be effective on May 8, 2020.

BE IT FINALLY RESOLVED, that the Indian Preference Office and Purchasing Department shall implement the Law as adopted and develop and/or revise any internal processes and/or standard operating procedures as needed to implement this Law.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 9 members were present at a meeting duly called, noticed and held on the 8th day of April, 2020; that the forgoing resolution was duly adopted at such meeting by a vote of 8 members for, 0 members against, and 0 members not voting*; and that said resolution has not been rescinded or amended in any way.



Lisa Summers, Secretary
Oneida Business Committee

*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."